

ENACTED AND PENDING CALIFORNIA LEGISLATION OF INTEREST TO BANKERS, as of September 12, 2005

Enacted legislation

AB 68 (Montanez). As amended in Senate June 30, 2005. Chaptered July 26, 2005, as **chapter 126, Stats 2005**.

Amends Civil Code 2981 and 2982, adds Civil Code 2982.2 and 2982.10, adds Revenue & Taxation Code 6012.3, amends Vehicle Code 11709.2, and adds V.C. 11713.18 et seq., all effective July 1, 2006. Car Buyer's Bill of Rights. Among other things, requires that a purchaser of a used car for less than \$40,000 be able to include a contract cancellation option at a cost of no more than \$250, requires a specified disclosure if a conditional sale contract is used, requires disclosures about consumer credit scores, and limits use of the term "certified."

- Another bill on motor vehicle sales contracts: SB 637 (Speier), as amended May 3, 2005; hearing cancelled at author's request.

AB 1188 (Wolk). As amended in Senate July 13, 2005. Chaptered September 2, 2005, as **chapter 163, laws 2005**.

Amends Penal Code 11166.01 and Welfare & Institutions Code 15630 on penalties for failure of a mandated reporter to report child, elder, or dependent adult abuse.

AB 1304 (Calderon). As amended May 10, 2005. Chaptered July 11, 2005, as **chapter 14, stats 2005**.

Amends Commercial Code 4406 to allow a bank depositor to request either a check, a legible copy, or a substitute check. If the item in question was presented as a substitute check, the bank shall provide it (unless the substitute check has been destroyed or is otherwise not available, in which case a legible copy of the substitute check would suffice).

AB 1419 (Parra). As amended May 27, 2005. Chaptered September 6, 2005, as **chapter 196, stats 2005**.

Amends Finance Code 22102, 22105, 22109, and 22153 on licensing and regulation of finance lenders.

AB 1489 (Calderon). As amended in Senate, June 22, 2005. Chaptered July 18, 2005, as **chapter 49, stats 2005**.

Amends Financial Code 13082 by requiring that, when a POS system is changed to include a video touch screen of other nontactile keypad, the screen or keypad must include either a tactically discernible numerical keypad or other technology.

SB 119 (Ackerman). As amended in Assembly, June 13, 2005. Chaptered July 21, 2005, as **chapter 102, stats 2005**.

Amends Corporations Code 307, 5211, 5711, and 12351 on board meetings. Certain actions can generally be taken without a meeting if all board members have consented. "All members of the board" includes an "interested director" or a "common director" who abstains in writing if specified disclosures have been made to noninterested or noncommon directors, these disclosures are included in the written consent, and these directors approve the action by a specified vote.

SB 1018 (Simitian). As amended in Assembly, July 13, 2005. Chaptered August 29, 2005, as **chapter 140 , stats 2005**

Amends (from January 1 2007 through January 1, 2013) Welfare & Institutions Code 15634 and 15655.5 and add W&I C 15630.1 to require banks to report suspected financial abuse of elders. Civil penalties of \$1,000 (or \$5,000 if the abuse results in great bodily injury or death), payable by the bank, for failure to comply. No civil or criminal penalties for bank employees. Limits on attorney fees for actions brought under the law.

> Similar bill: **AB 1605** (Wolk, Berg)(amended May 31, 2005; to inactive file at Wolk's request, June 2, 2005).

ACR 31 (Coto). As amended March 29, 2005. Sponsored by CBA. Chaptered April 14, 2005, as **chapter 14, Stats 2005**.

Proclaims April 2005 as Financial Empowerment Month.

Vetoed bills

AB 499 (Leno). As amended May 10, 2005. *Passed Assembly* (50-19), May 19. *Passed Senate* (21-12), August 22, 2005. Enrolled and to Governor, August 24, 2005. ***Vetoed*** by Governor, September 6, 2005. ***CBA: Neutral as amended***

Would add Public Contract Code 2002.3 until January 1, 2011, to authorize the San Francisco Community College District to provide preferences to small and local businesses under a specified 5-year pilot project.

SB 781 (Florez). As amended March 29, 2005. *Passed Senate* (31-8), May 23, 2005. With Assembly Banking & Finance. *Passed Assembly* (62-7), August 18, 2005. Enrolled and to Governor, August 22, 2005. ***Vetoed*** by Governor, September 6, 2005. ***CBA: Neutral as amended***

Would amend Financial Code 867, to provide that, if funds deposited into a bank account by check must be made available at an earlier time under the federal Expedited Funds Availability Act than under state law, the federal law would apply. Effect is limited to funds deposited into savings accounts by cashiers checks and the like, which now get two days under state law.

Pending legislation that has passed both houses and is awaiting Governor's signature or veto

AB 169 (Oropeza). As amended April 20, 2005. *Passed Assembly* (46-32), May 23, 2005. *Passed Senate* (21-12), August 29, 2005. *Assembly concurred in Senate amendments*, August 31, 2005. Enrolled and to Governor, September 7, 2005. **CBA: Oppose**

Would amend Labor Code 1197.5 to increased damages that aggrieved employees could obtain when paid less than the wages paid to the opposite sex for equal work. Would include a civil penalty of which 75% would go to the California Division of Labor Standards Enforcement.

AB 524 (Chan). As amended in Senate August 29, 2005. *Passed Assembly*, June 1, 2005. *Passed Senate* (24-15), September 6, 2005. *Assembly concurred in Senate amendments*, September 7, 2005. To enrollment. **CBA: Oppose**

Would add Public Contracts Code 10360 through January 1, 2009, to require that when any part of a public contract for services is to be performed by subcontractors or employees offshore, the bidders must describe the work to be performed offshore, and what percentage that would be of the entire contract.

AB 746 (Blakeslee). As amended in Senate, August 25, 2005. *Passed Assembly* (65-4), April 28, 2005. *Passed Senate* (23-14), August 25, 2005. *Assembly concurred in Senate amendments*, August 30, 2005. Enrolled and to Governor, September 6, 2005. **CBA: Oppose**

Would amend Civil Code 1748.1 and add Public Utilities Code 755 to create an exemption from the Civil Code 1748.1 prohibition on credit card or debit card surcharges. Utilities could charge customers who pay utility bills by credit cards or debit cards, if the PUC approves.

AB 843 (Nunez). As amended in Senate, August 16, 2005. *Passed Assembly* (44-30), May 19, 2005. *Passed Senate* (22-13), August 29, 2005. *Assembly concurred in Senate amendments*, September 7, 2005. To enrollment. **CBA: Neutral**

Would amend Business & Professions Code 22251 and add B&PC 22253.1 to require tax preparers who offer or facilitate tax refund anticipation loans to make certain disclosures.

AB 985 (Torrico). As amended in Senate August 31, 2005. *Passed Assembly* (46-33), May 31, 2005. *Passed Senate* (222-14), September 6, 2005. *Assembly concurred in Senate amendments*, September 7, 2005. To enrollment. **CBA: Oppose**

Would amend Military & Veterans Code 394 and 394.2, until January 1, 2011, to require an employer who has outsourced a job to pay the employee 6 months salary if the employee is not reinstated on return from active military duty in the state militia. This payment would be deemed to be wages for the purpose of unemployment insurance benefits.

AB 1069 (Montanez). As amended in Senate July 5, 2005. *Passed Assembly* (72-1), May 27, 2005. *Passed Senate* (40-1), August 30, 2005. *Assembly concurred in Senate amendments*, September 1, 2005. Enrolled and to Governor, September 8, 2005. **CBA: Support**

Would amend Penal Code 483.5 to prohibit possession of a document-making device with the intent to use the device to make, alter, or authenticate a deceptive identification document. Would also expand the definition of deceptive identification document.

AB 1400 (Laird). As amended in Senate July 7, 2005. *Passed Assembly* (44-29), April 14, 2005. *Passed Senate* (22-16), August 22, 2005. *Assembly concurred in Senate amendments*, August 29, 2005. Enrolled and to Governor, September 1, 2005. **CBA: Neutral as amended**

Would amend Civil Code 51, 51.5, 51.7, 51.8, and 53 to prohibit business establishments from discriminating on the bases of marital status or sexual orientation.

AB 1527 (Liu). As amended in Senate, July 14, 2005. *Passed Assembly* (70-3), April 21, 2005. *Passed Senate* (37-2), August 22, 2005. *Assembly concurred in Senate amendments*, August 29, 2005. Enrolled and to Governor, September 1, 2005. **CBA: Neutral as amended**

Would add Financial Code 4100, effective July 1, 2006, to prohibit a bank et al. from reissuing a bank account number previously held by another consumer for 3 years after the account number was closed.

AB 1566 (Calderon). As amended in Senate, September 2, 2005. *Passed Assembly* (71-0), April 21, 2005. *Passed Senate* (34-0), August 15, 2005. To Assembly, then ordered returned to Senate, amended, and again passed Senate, (38-0), September 6, 2005. *Assembly concurred in Senate amendments*, September 7, 2005. To enrollment. **CBA: Support**

Would amend Penal Code 530.5 to order restitution and to increase the penalties for certain identity theft crimes when the victim is in the armed forces or in the active reserve deployed outside the state. Would also incorporate additional changes to Penal Code 530.5 proposed by AB 424, but only if both AB 1566 and AB 424 are chaptered, and AB 1566 is chaptered last.

SB 150 (Escutia). As amended in Assembly, July 7, 2005. *Passed Senate* (23-15), June 1, 2005. *Passed Assembly*, August 31, 2005. *Senate concurred in Assembly amendments* (25-15), September 7, 2005. To enrollment. **CBA: Neutral**

Would amend Insurance Code 791.10, effective July 1, 2006, on adverse underwriting decisions. The insurance company or agent would have to provide the consumer with the specific reasons for the decision (rather than merely informing the consumer of his/her right to demand the reasons).

SB 174 (Dunn). As introduced February 9, 2005. *Passed Senate* (23-14), June 1, 2005. *Passed Assembly* (42-15), August 31, 2005. Enrolled and to Governor, September 7, 2005. **CBA:** *Oppose*

Would amend Labor Code 1194 on class action suits for violation of minimum wage law.

SB 389 (Morrow). As amended in Assembly, July 11, 2005. *Passed Senate* (26-8), April 25, 2005. *Passed Assembly* (63-6), August 15. *Senate concurred in Assembly amendments* (29-0), August 29, 2005. Enrolled and to Governor, September 1, 2005. **CBA:** *Neutral*

Would add Financial Code 13083 to provide that an agreement to operate or share an ATM may not restrict the operator or owner from charging a customer who is conducting a transaction using an account at a bank outside the U.S.

SB 460 (Margett). As amended in Assembly, August 25, 2005. *Passed Senate* (40-0), May 31, 2005. *Passed Assembly* (79-0), August 30, 2005. *Senate concurred in Assembly amendment* (38-0), August 31, 2005. Enrolled and to Governor, September 7, 2005. **CBA:** *Neutral*

Would amend Penal Code 4017.1 and 5071 to prohibit any offender who is confined in a county facility or the Department of Corrections & Rehabilitation from performing any function that provides access to the personal information of private persons.

SB 513 (Soto). As amended in Assembly, July 13, 2005. *Passed Senate* (32-1), April 28, 2005. *Passed Assembly* (77-0), August 25, 2005. *Senate concurred in Assembly amendments* (33-2), August 29, 2005. Enrolled and to Governor, September 1, 2005. **CBA:** *Neutral as amended*

Would add Military & Veterans Code 409.13, effective immediately, to require a six month deferral of interest on a financial obligation or liability incurred by a member of the national guard before the member's entry into service (or spouse or beneficiary) if the member is killed in the line of duty.

SB 833 (Bowen). As amended in Assembly, September 1, 2005. *Passed Senate* (30-5), May 9, 2005. *Passed Assembly*, September 6, 2005. *Senate concurred in Assembly amendments* (33-1), September 7, 2005. To enrollment. **CBA:** *Neutral*

Would add Business & Professions Code 17538.43 on unsolicited faxes.

- Other bill on unsolicited faxes: SB 809 (introduced February 22, 2005; never moved from Senate Rules)

Two-year bills

AB 69 (Harman). As amended March 1, 2005. *Passed Assembly* (73-0), March 7, 2005. With Senate Judiciary. Hearing scheduled July 5, 2005, postponed at request of author. **CBA:** *Neutral*

Would amend Probate Code 5301, 5303, and 5401 on multiparty accounts. Would, among other things, provide that proportional interests in such accounts are not limited to sums on deposit.

AB 175 (Calderon). As amended April 4, 2005. *Passed Assembly* (71-0), April 21, 2005. To Senate Judiciary. Hearing scheduled July 12, 2005, cancelled at request of author. **CBA: Neutral as amended**

Would add Civil Code 1749.75 et al, the Gift Card Usable with Multiple Sellers of Goods or Services Disclosures Act, to require certain disclosures for such gift cards. Exceptions for cards distributed for free and for prepaid calling cards.

AB 207 (Dymally). As introduced January 31, 2005. With Assembly Banking & Finance.

Would add Financial Code 23038 et seq. to the California Deferred Deposit Transaction Law to reduce from 15% to 10% of the face amount of a check, the fee that a licensed payday lender may charge. Also, a check could not be held for more than 31 days before being presented to a bank for payment.

AB 618 (Cogdill). As introduced February 17, 2005. With Assembly Public Safety. Failed passage in committee, April 19, 2005. Reconsideration granted. Second hearing cancelled at author's request, April 26, 2005.

Would amend Penal Code 530.5 on punishment for certain identity theft crimes.

- Other identity theft bills not mentioned elsewhere in this listing: **AB 946** (Wyland)(amended April 26, 2005); **AB 1036** (Koretz)(hearing cancelled at request of author, April 19, 2005); **AB 1581** (Garcia)(amended May 4, 2005; held under submission in Appropriations Committee, May 25, 2005); **SB 504** (Alquist)(amended April 12, 2005; hearing postponed by Committee, April 19, 2005; **SB 636** (Figueroa)(amended April 19, 2005; hearing twice postponed by Committee, May 2 and May 15, 2005)

AB 718 (Calderon). As amended April 19, 2005. With Assembly Judiciary. Hearing cancelled at author's request, May 3, 2005.

Would amend Civil Code 1798.90.1 to, among things, allow the swiping of a driver's license or ID card for purposes of providing financing or arranging for insurance for a vehicle purchase..

AB 768 (Nation). As amended May 31, February 18, 2005. With Assembly Business & Professions. To inactive file at author's request, June 2, 2005. **CBA: Neutral**

Would add Civil Code 54.9, to require access by the visually-impaired to touch-screen devices installed or renovated after January 2010 that are accessible to the general public. Since recent amendments limit this requirement to touch-screen devices used for self-service check in at hotels or at locations providing passenger transportation services (excluding rental car agencies), this bill will not appear in future listings.

AB 822 (Benoit). As amended May 2, 2005. To Assembly Labor & Employment. Hearing postponed by committee, May 4, 2005.

Would amend Labor Code 213 and 226 to allow an employer to put an employee's wages on a bank card that can be used to access funds at an ATM in California, if the employee has consented and is entitled to at least one transaction per pay period without charge. Also, an employer could provide itemized wage statements electronically under certain conditions.

AB 830 (Runner). As amended May 2, 2005. With Assembly Revenue & Taxation. No hearing scheduled. CBA supports.

Would amend Revenue & Taxation Code 17053.70 et al. on corporate enterprise zone tax credits.

AB 912 (Ridley-Thomas). As introduced February 18, 2005. With Assembly Revenue & Taxation. Hearing postponed at author's request, May 19, 2005.

Would add Revenue & Taxation Code 912, the Smart Infill Development Act, to exempt from gross income any interest earned by a financial corporation from loans to customers for the purpose of developing "brownfields" in blighted areas.

AB 916 (Canciamilla). As amended in Senate July 5, 2005. *Passed Assembly* (73-0), May 27, 2005. With Senate Appropriations. Held under submission, August 25, 2005. **CBA: Support (low priority)**

Would add Penal Code 368.5, on punishment for certain elder abuse crimes.

- Other elder abuse bill not listed elsewhere: AB 907(Canciamilla)(no action)

AB 1172 (Chu). As amended May 27, 2005. *Passed Assembly*, June 1, 2005. To Senate. **CBA: Oppose**

As introduced, would have declared the Legislature's intent to require any vendor awarded a public contract for services over \$100,000 to disclose an estimate of what portion(s) would be performed offshore. As amended, prohibits a telephone corporation from charging back any part of a commission advance previously paid to the employee. This bill will not appear in future listings.

AB 1250 (Calderon). As introduced February 22, 2005. With Assembly Banking & Finance. Hearing cancelled four times by committee.

Spot bill re Financial Code 1800 on money transmitters.

AB 1313 (Committee on Labor & Employment). As introduced February 22, 2005. Never assigned out of Assembly Rules Committee

Would declare intent of Legislature to expand ability of agricultural employees to be paid via direct deposit (Labor Code 212).

AB 1375 (Nation). As amended May 10, 2005. With Assembly Revenue & Taxation. Held under submission, May 16, 2005. **CBA: Oppose**

Would add Revenue & Taxation Code 23184, the Consumer Protection and Anti-Interest Rate Manipulation Act, effective immediately, to increase the tax on any bank with any consumer credit card agreements that allow for increases in the interest rate, after a credit card has been issued, in any amount greater than the increase in the bank's cost of funds. [!!!]

AB 1509 (Garcia). As introduced February 22, 2005. Never assigned out of Assembly Rules Committee. **CBA: Oppose**

Would declare Legislature's intent to allow a credit card owner to demand a card with his/her photograph thereon. The issuer could charge for this.

AB 1539 (Bass). As amended April 25, 2005. With Assembly Banking & Finance. Hearing postponed by committee, May 3, 2005. **CBA: Oppose**

Would amend Government Code 8205 to require a notary public to contact law enforcement if he/she believes that the signer of a quitclaim deed is doing so under duress or undue influence or does not know the purpose of the deed. But no action could lie against the notary or his/her employer for reporting or not reporting.

AB 1560 (Calderon). As introduced February 22, 2005. With Assembly Banking & Finance. Hearing twice postponed by committee. **CBA: Oppose**

Would amend Commercial Code 4303 to prohibit high-to-low (or low-to-high) posting to consumer bank accounts if this would increase NSF fees beyond what would be incurred through posting of checks in numerical order.

AB 1573 (Garcia). As introduced February 22, 2005. With Assembly Revenue & Taxation. **CBA: Support**

Would add Revenue & Taxation Code 17140.5 and 17204.6 to allow deductions for certain sums deposited into "individual development accounts."

AB 1615 (Klehs). As amended April 20, 2005. With Assembly Appropriations. Held under submission.

As introduced, would have added or repealed various Government Code and Revenue & Taxation Code provisions to abolish the Franchise Tax Board, and transfer its powers and duties to the State Board of Equalization, as of January 1, 2007. As amended, would require local agencies to report past-due accounts to the Comptroller's office. This bill will not appear in future listings.

AB 1694 (Leno). As amended April 21, February 22, 2005. With Assembly Banking & Finance. Hearing cancelled at author's request, May 2, 2005.

Would add Civil Code 1785.11.5 and 1785.15.5 to require a consumer reporting agency to notify each consumer who is the subject of a credit report of each instance that a new account is entered on the consumer's report, if the address on the credit application differs from the last address on record held by the reporting agency. "New account" would not include a preexisting delinquency or a new entry that is already included in some form on the report.

Also, a reporting agency could not charge the consumer for placing a security freeze at the request of a consumer whose personal information has been breached by a computerized data system.

- Other bill not otherwise listed on credit reports: **SB 986** (Escutia)(hearing cancelled at author's request, May 3, 2005) **CBA: Oppose (low priority)**

AB 1766 (Dymally). As amended September 2, 2005. *Passed Assembly* (73-0), May 27, 2005, on an entirely different topic. Gutted and amended, September 2, 2007. To third reading, September 7, 2005. **CBA: Oppose**

Would amend various provisions of the Government and Revenue & Taxation Codes on enterprise zones. Among other things, would allow a lender to qualify for tax credits only if the lender verified and documented that any loan proceeds to an entity in an enterprise loan was being used solely for appropriate purposes. Would also impose requirements on an employer who is hiring qualified employees within the enterprise zone and who wants tax credits.

SB 30 (Speier). As amended April 4, 2005. With Senate Revenue & Taxation. Hearing held April 13, 2005, but no further action.

Would add Revenue & Taxation Code 17206 to allow deductions for contributions to the Golden State Scholarship Trust (529 Plan).

SB 137 (Ducheny, Dunn, Figueroa). As amended in Assembly, September 1, 2005. *Passed Senate* (36-2), May 26, 2005. *Passed Assembly*, September 6, 2005. To Senate unfinished business. **CBA: Neutral**

Would add, amend, and repeal various Civil Code sections on procedures for collecting delinquent assessments by common interest developments.

SB 155 (Escutia). As introduced February 8, 2005. With Senate Revenue & Taxation. Placed in inactive file at author's request, May 26, 2005. **CBA: Oppose**

Would add Revenue & Taxation Code 2511.5 to allow a county to authorize the acceptance of credit card cash reward points for the payment of property taxes.

SB 222 (Runner). As introduced February 15, 2005. With Senate Public Safety. Hearing cancelled at request of author, March 19, 2005. **CBA: Oppose**

Would add Civil Code 1798.87 to make it a misdemeanor to violate Civil Code 1798.85, which generally prohibits public posting of social security numbers.

SB 308 (Simitian). As amended May 3, 2005. *Passed Senate* (22-16), May 23, 2005. With Assembly Aging & Long Term Care. To inactive file, September 1, 2005. **CBA: Support (low priority)**

Would add Government Code 27388.5 and 27388.7 to allow county boards of supervisors to impose a \$2 real estate recording fee for prevention of financial abuse.

SB 440 (Speier). As amended in Assembly, June 14, 2005. *Passed Senate* (23-13), May 9, 2005. With Assembly Business & Professions. *Failed passage in committee*, June 21, 2005. Reconsideration granted. **CBA: Oppose unless amended**

Would add Civil Code 1798.21.5 and 1798.90.5 to prohibit a business from discriminating against a consumer who has directed that his/her personal information not be shared or disclosed. Exception for a business that cannot provide a product or service without disclosure of the personal information, and for a business that is subject to and complying with Fin C 4053(b)(4). Bill is not intended to prohibit incentives or discounts to solicit a particular response to a choice pertaining to disclosure or sharing of personal information.

Also, bill would require any state agency, or person contracting with a state agency, to encrypt all personal information that is stored or transported on a portable computer.

SB 603 (Escutia). As amended May 25, 2005. *Passed Senate* (25-15), June 1, 2005. With Assembly Insurance. *Failed passage in committee*, June 29, 2005. Reconsideration granted. **CBA: Neutral**

Would add Insurance Code 676.11 to prohibit an insurer from using credit reports or credit information to underwrite, classify, or rate certain auto or real property insurance policies.

SB 663 (Migden). As amended May 17, 2005. *Passed Senate* (25-15), May 26, 2005. With Assembly Appropriations. To inactive file, September 2, 2005. **CBA: Oppose**

Would amend Revenue & Taxation Code 25110, effective January 2006, on water's edge reporting by controlled foreign corporations.

SB 682 (Simitian). As amended in Assembly, August 15, 2005. *Passed Senate* (28-7), May 16, 2005. With Assembly Appropriations. Hearing scheduled August 25, 2005, postponed by committee. **CBA: Oppose (low priority)**

Would add Civil Code 1798.82 et seq., the Information Practices Act of 2005, to require that any identification document that has been created, mandated, purchased, or issued by various public entities (such as driver's licenses and health insurance cards) and that uses radio waves to broadcast personal information or to enable personal information to be scanned remotely, to meet specified requirements. Remotely reading such an identification document through radio waves without the owner's knowledge would be a crime.

NOTE: Language of this bill has been put into **SB 768**, which itself is now a two-year bill.

SB 778 (Florez). As amended March 29, 2005. With Senate Banking & Finance. Failed passage in committee (4-4), April 25, 2005. Reconsideration granted.

Would add Financial Code 865 to prohibit a bank from charging a noncustomer to cash a paycheck issued by any company that is a business client of the bank. As amended, would require the bank to advise the company that it must pay any charges imposed by the bank on a noncustomer for cashing a paycheck on the company.

SB 818 (Perata). As introduced February 22, 2005. Never assigned out of Senate Rules.

Spot bill re Student Aid Commission (Education Code 69508).

SB 840 (Kuehl). As amended in Assembly, July 12, 2005. *Passed Senate* (25-15), May 31, 2005. Assembly Health do pass (9-4), 2005. To Assembly Rules, July 12, 2005. **CBA: Oppose (low priority)**

Would add Health & Safety Code 14000 et seq. on universal, single-payer health care coverage.

SB 852 (Bowen). As amended in Assembly, June 22, 2005. *Passed Senate* (25-13), May 26, 2005. With Assembly Business & Professions. *Failed passage in committee*, June 28. Reconsideration granted. **CBA: Oppose unless amended**

SB 1279 revisited. Would repeal and amend Civil Code 1798.29 and 1798.82 to require any agency, person, or business doing business in California, that possess any data that include the personal information of a California resident (regardless of whether the data were computerized when acquired), to notify the resident of any breach of the security of the data, with a copy of the notice to the Office of Privacy Protection. A law enforcement agency could electronically or in writing request a delay.

SB 860 (Bowen). As amended May 31, 2005. *Passed Senate* (26-11), June 1, 2005. With Assembly Business & Professions. Hearing scheduled June 20, 2005, cancelled at request of author. **CBA: Oppose (low priority)**

Would add Government Code 6167 to prohibit UC, or CSU, or the community colleges, or an agent thereof, that accepts a credit or debit card from charging a fee greater than the school or agent charges for payment by cash or check.

SB 1019 (Campbell). As introduced February 22, 2005. With Senate Banking, Finance & Insurance. Hearing cancelled at author's request, March 30, 2005.

Would amend various provisions in the Financial Code re foreign banks, independent trust businesses, state banks conducting trust businesses, and uninsured foreign (other state) banks.

Note: This bill was sponsored by the DFI and would recast the Financial Code provisions of DFI regulation of banks, trust companies, etc. DFI now says bill needs more work and will not move this year.

SB 1022 (Campbell). As amended April 27, 2005. With Senate Judiciary. Hearing postponed by committee, April 28, 2005.

Would amend Corporations Code 17001, 17005, 17051, and 17375 and add Corp C 17400 to authorize the formation of professional limited liability companies to render certain professional services. Also, an operating agreement of a limited liability company that varies certain statutory provisions would not longer have to be in writing. The bill would also delete statutory provisions on class and derivative actions by members.

SB 1104 (Committee on Banking, Finance & Insurance). As introduced March 1, 2005. With Senate Judiciary. Hearing cancelled at author's request, April 12, 2005.

SB1 (California Financial Information Privacy Act) cleanup.

Bob Mulford, September 12, 2005